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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 CARRINGTON MORTGAGE SERVICES, LLC,
12 Plaintiff,
13 vs.

14 ABSOLUTE BUSINESS SOLUTIONS, LLC; and
15 ESTRELLA HOMEOWNERS ASSOCIATION,
16 Defendants.

17 ABSOLUTE BUSINESS SOLUTIONS, LLC,
18 Counterclaimant,
19 vs.
20 CARRINGTON MORTGAGE SERVICES, LLC,
DOES I through x and ROE BUSINESS ENTITIES I
through X, inclusive,
21 Counterdefendants.

Case No.: 2:15-CV-01862-JAD-PAL

**STIPULATION AND ORDER TO
DISMISS CLAIMS AGAINST
ESTRELLA HOMEOWNERS
ASSOCIATION WITHOUT
PREJUDICE**

ECF No. 67

23 Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff Carrington Mortgage Services, LLC and
24 Estrella Homeowners Association, by and through their attorneys of record, stipulate as follows:

25 On September 4, 2018, Carrington Mortgage Services, LLC (Carrington) filed its
26 amended complaint asserting claims against Estrella Homeowners Association (Estrella) for
27 Unjust Enrichment, Breach of NRS 116.1113, and Wrongful Foreclosure. Carrington has also
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1 asserted claims for declaratory relief/quiet title and injunctive relief against the purchaser at the
2 foreclosure sale, Absolute Business Solutions, LLC. Estrella is not a party to the declaratory
3 relief/quiet title claims.

4 Carrington has agreed to dismiss without prejudice the claims against Estrella, each party
5 to this stipulation to bear its own costs and fees, for Carrington to pursue its declaratory
6 relief/quiet title claims against Absolute. Carrington and Estrella also agree to a tolling of the
7 statute of limitations for the claims that Carrington has asserted in this action, or for those claims
8 which have not yet expired by the date of this stipulation, against Estrella associated with the
9 homeowners' association foreclosure sale that is the subject of this litigation to preserve these
10 claims in the event a court determines Carrington's interest was extinguished by the sale.

11 Carrington and Estrella do not agree to toll the statute of limitations period for any claims related
12 to the HOA sale that have already expired and Estrella does not waive its statute of limitations
13 affirmative defenses to any claims made in this action, if applicable.
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Estrella further agrees to be bound by the judgment of the Court as it relates to Carrington's cause of action for declaratory relief/ quiet title.

DATED this 8th day of July, 2019.

DATED this 8th day of July, 2019.

AKERMAN, LLP

GORDON REES SCULLY MANSUKHANI, LLP

/s/ Tenesa S. Powell

/s/ David T. Gluth

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ORDER

Based on the stipulation [ECF No. 67] between plaintiff and Defendant Estrella Homeowners Association, which I construe as a joint motion under Local Rule 7-1(c) because it was signed by fewer than all the parties or their attorneys, and with good cause appearing, IT IS HEREBY ORDERED that ALL CLAIMS AGAINST Defendant Estrella Homeowners Association are DISMISSED without prejudice, each side to bear its own fees and costs.


U.S. District Judge Jennifer A. Dorsey

Dated: August 14, 2019